

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Megan A. Maule,

Plaintiff,

v.

AMENDED  
MEMORANDUM OPINION  
AND ORDER

R. James Nicholson, Secretary,  
Department of Veterans Affairs.

Civil No. 04-1369

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Donald H. Nichols and Michele R. Fisher, Nichols Kaster & Anderson for  
and on behalf of Plaintiff.

Patricia R. Cangemi, Assistant United States Attorney for and on behalf of  
Defendant.

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Plaintiff was hired by Defendant Department of Veterans Affairs  
(hereinafter referred to as the "VA") on November 2, 2002 as a police officer at  
the St. Cloud Veterans Affairs Medical Center, subject to a one year probationary  
period. She reported for work on January 6, 2003 and was terminated from this  
position on June 30, 2003. In her Complaint, she alleges that during the short  
time she held this position, she was subjected to sexual harassment, and was  
ultimately terminated in retaliation for reporting the sexual harassment.

The VA has moved the Court for summary judgment on both of Plaintiff's  
claims. Summary judgment is not appropriate, however, as there are genuine

issues of material fact as to both claims. Accordingly, the motion must be denied with respect to those claims.

Plaintiff indicated in her brief in opposition to the VA's motion that she was voluntarily dismissing Count III. The Court will thus dismiss that Count.

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment [Docket No. 32] is DENIED with respect to Count I and II. Count III is dismissed with prejudice. The Clerk of Court is hereby directed to amend the caption of this case consistent with this Order.

Date: November 28, 2005

s/ Michael J. Davis  
Michael J. Davis  
United States District Court

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